MULTIMEDIA UNIVERSITY

STUDENT ID NO

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# MULTIMEDIA UNIVERSITY

# FINAL EXAMINATION

**TRIMESTER 3, 2015/2016**

## PLE0042 – ENGLISH FOR LAW

(Foundation in Law)

31 MAY 2016
2.30 p.m - 4.30 p.m
( 2 Hours )

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**INSTRUCTIONS TO STUDENT**

1. This question paper consists of **SIX** pages only.
2. Answer **ALL** questions in **Sections A, B** and **C**.
3. Please write all your answers in the Answer Booklet provided.

## SECTION A: READING AND VOCABULARY [25 MARKS]

## PART 1: READING COMPREHENSION (20 MARKS)

*Read the passage below and based on the passage, answer all questions from 1 to 8.*

### Creeps Embrace a New Tool: Peeping Drones

1 It was the blinking lights outside the window of her condominium that startled Elsvette Buenaventura in 2014. When she drew the curtain, a small drone hovered a few feet away. In another incident, William Merideth shot down a drone hovering over his land as a way to assert his right to privacy. The use of unmanned aerial vehicles, also known as drones, has raised concerns for lawmakers in the United States. In most instances, it is unclear whether drone operators can be held criminally or civilly liable for flying drones over private property. There also exists a great deal of controversy regarding the authority of the Federal Aviation Administration (FAA) to govern their usage. While it has the authority to prevent drone use near airports, whether it has the same legal authority elsewhere remains in dispute. In addition, a lawsuit filed over a shot-drone opens the Pandora's Box concerning the federal government's exclusive sovereignty over the skies. It is doubtful whether the federal government owns the monopoly of the country's skies.

2 The use of drones triggers a wariness that drones may impinge on the constitutional rights of the citizens as drones pose a *unique* privacy threat not present in other surveillance devices. Some drones can loiter for long stretches, engaging in what is called "persistent surveillance". Drones are designed to undertake persistent surveillance to a degree not achievable by other surveillance devices. Drone manufacturers have announced new designs that would allow drones to operate for more than 48 consecutive hours. These devices are, at the same time, much more capable of advanced surveillance than other surveillance gadgets. This capability is illustrated by some military versions which can zoom in and read a milk carton from 60,000 feet.

3 The emergence of drones has pushed lawmakers to enact drone laws, and legal experts believe that there is value which lies in the effort of enacting drone laws to safeguard privacy. At least seven states have outlawed the use of drones to violate privacy. Alabama, for example, has a law which prohibits the use of a drone to harass a hunter or fisherman. In California, using a drone to photograph a person is also prohibited. As law experts suggest, drones actually serve as a privacy catalyst. Once regulators assess the ramifications of surveillance, they will turn to the privacy implications of other gadgets. American lawmakers are also concerned about weighing drone users' rights against the potential for nefarious intrusions which are prohibited by law, particularly because a landowner's right to the space over his or her property is in conflict with a drone owner's right to operate a drone in the same airspace. In the 19th century, the common law provided that property ownership extended infinitely into the heavens, following the maxim, "To

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whomever the soil belongs, he also owns the sky". A Supreme Court decision also confirmed a landowner's right to prevent airspace intrusions just as the right to prevent ground invasions. After the dawn of aviation, however, the maxim was put to an end. Congress passed the Air Commerce Act of 1926, authorising flights within navigable airspace which was over 500 feet above ground level.

4 With the multiplication of drones, surveillance becomes a grave problem because surveillance has weakened privacy and thus exacerbated the issue of privacy violation, but at the same time, privacy law has not kept up with the rapid pace of drone technology. Many privacy advocates in the United States invoke the understanding of privacy by Julie Cohen at the Georgetown Law School, who argues that *a free society needs the right to privacy to breathe, and therefore outrageous surveillance warrants deterrence*. Obviously, surveillance from a drone overhead can undermine a society's right to privacy.

5 Surveillance drones adopted by American law enforcement are imminent threats which will soon erode Americans' freedom of movement. These innovations carry fake mobile phone towers that can determine a citizen's location or intercept his or her telephone calls. The use of drones also discourages individuals in the United States from engaging in lawful speech and expression. Justice Powell once discussed the chilling effect of surveillance, "Lawful public expression and speech must not be subject to an unchecked surveillance power, nor must the fear of unauthorised official eavesdropping deter citizen discussion of government action."

6 To counter the threat of surveillance posed by drones, privacy advocates have mounted drone laws campaigns, which make a compelling case about the threat of surveillance, but the legislation is not tailored effectively in such a way to prevent the problem. These laws create perverse results, allowing the use of surveillance technologies but disallowing uses of drones for mundane tasks such as monitoring environmental harms. Although proposed laws and voluntary guidelines are all vying to set privacy standards for drones, advocates fear that it is a little too late. A growing flock of drones stands ready to take off universally in just a few years. On the other hand, drone enthusiasts, who consider drone laws to be an overreaction, assert that these laws are misguided and pointless.

7 Eventually, regulating the use of drones will inevitably tie the hands of businesses and stifle the production of new gadgets. Scores of companies, such as Amazon.com Inc. and Domino's Pizza, have already explored the idea of using drones to deliver packages and hot pizzas. Hence, drone laws and regulations will stir up frustration and dismay among commercial drone users. Nevertheless, drone marketing companies still believe that drones are here to stay, despite all the legal questions ignited and other conundrums created as a result of the use of drones.

*Adapted from* Marois, M. (2015). *Creeps embrace a new tool: Peeping drones.* Retrieved from http://www.bloomberg.com/news/articles/2015-05-05/creeps-embrace-a-new-tool-peeping-drones

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1. What are the legal issues prompted by the use of drones in the United States? (3 marks)

2. Why is the threat posed by drones considered "unique" (line 15)? (2 marks)

3. Provide two explanations to support the belief that it is worth regulating drones. (2 marks)

4. What are the differences in the law governing landowners' right to enjoy the space above their property before and after the introduction of aviation? (2 marks)

5. Explain the meaning of "*a free society needs the right to privacy to breathe, and therefore outrageous surveillance warrants deterrence*" (lines 47 – 48). (2 marks)

6. Give three explanations to prove that surveillance by drones has a chilling effect on the American society. (3 marks)

7. i. Based on the results created by drone legislation, what can we conclude about drone enthusiasts' assertion that drone regulations are misguided and pointless? (1 mark)

   ii. Provide two arguments to support the position taken by drone enthusiasts. (2 marks)

8. i. What is the writer's attitude towards regulating drones for commercial purposes? (1 mark)

   ii. Justify why the writer holds such attitude as identified in 8.i. (2 marks)

## PART 2: VOCABULARY (5 MARKS)

*Provide a word from the passage that has the same meaning as each of the following phrases.*

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| 1. have a harmful effect on something | (paragraph 2) | Word: _____ |
| 2. morally wrong or unlawful | (paragraph 3) | Word: _____ |
| 3. made a bad situation worse | (paragraph 4) | Word: _____ |
| 4. likely to happen very soon | (paragraph 5) | Word: _____ |
| 5. confusing and difficult problems | (paragraph 7) | Word: _____ |

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## SECTION B: GRAMMAR [10 MARKS]

### PART 1: MODAL VERBS (5 MARKS)

*Fill in each blank with a suitable modal verb. Write your answers in the Answer Booklet.*

Some 56 million fantasy sports players are paying out big sums of money, hoping to win big prizes based on the outcome of real world games, yet few (1) _____ stop to think about whether it is legal to play fantasy sports for money. The growing popularity of fantasy sports has subjected the games to greater scrutiny, exposing the legal grey area concerning these sports. Fantasy sports may sound like sports gambling, which is illegal in every state in the United States, except Nevada. Nevertheless, some legal experts argue that fantasy sports are perfectly legal. The reason is that a series of court decisions and a 63-word provision of federal law classify fantasy sports as games of skill, as opposed to games of chance. In fantasy sports, players (2) _____ take into account a myriad of statistics, facts and game theories in order to win or to be competitive, and this explains why fantasy sports are considered games of skill.

Legal experts firmly believe that legalised betting in sports, either real sports or fantasy sports, (3) _____ become a reality in the United States by 2020, if not sooner. Momentum is building to expand legal sports betting outside Nevada. Led by National Basketball Association (NBA) commissioner, Adam Silver, some professional sports leagues are starting to change their tune. New Jersey's efforts to bring Las Vegas-style sports betting to Atlantic City casinos and the state's racetracks have, at a minimum, raised questions about the effectiveness of the 23-year-old federal ban on sports betting.

However, if sports betting is legalised in the country, a major concern is whether the country is mature enough to handle it. Dr. Howard Shaffer, an associate professor of psychiatry at Harvard Medical School and a leading authority on the impact of gambling expansion, says, "Sports betting is ubiquitous in the United States. The more mature a gambling environment is, the less it will be affected by expansion of the gambling system." Proponents of legalised sports betting argue that if states were to offer sports betting, they (4) _____ gain considerable revenue by taxing a form of gambling that enjoys wide support in the country. On the other hand, critics of sports betting legalisation fear the possibility that giving people more ways to bet on the outcomes of sports (5) _____ threaten the integrity of sports and create more gambling addicts, especially among young people who are already more likely to engage in risky behaviours. Furthermore, people who have never stepped into a casino will try wagering their money on a game. More miserably, lives and families will be ruined.

*Adapted from* Isidore, C. (2015). *Why fantasy football is legal.* Retrieved from http://money.cnn.co m/2015/10/06/news/companies/fantasy-sports-legal/

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## PART 2: REPORTED SPEECH (5 MARKS)

*Change each underlined direct speech to a reported statement. Write your answers in the Answer Booklet.*

Jacci Woodhock, a model employee with 25 years' experience, consistently exceeded her sales targets. After she was told that she had terminal breast cancer, she was ultimately forced out of her job by an unsympathetic employer. She is now campaigning to change the law to protect employees with a terminal diagnosis. (1) "I never considered leaving my job. I wanted the money to pay the bills," she said.

Woodhock said she never allowed herself to consider quitting. She added, (2) "I didn't want to just sit and die before my final moment." Preparing to take her employer to court, Woodhock eventually decided to accept a settlement and leave her job.

Woodhock's issue was brought in the spotlight after a Member of Parliament, Pauline Latham, called on the Prime Minister, David Cameron, to take up the issue. (3) "She has shown outstanding courage in her fight against the disease, but she did not receive support or compassion from her employer," she said, asking for the Prime Minister's support for the campaign. Latham called Woodhock a fighter who had inspired her to take up the wider campaign. "She is feisty, but this has taken its toll on her. We are disappointed with the way she was treated, and we expect employers to have some compassion."

Campaigners hoped to see terminal illness become a protected characteristic like pregnancy, signifying that employers could claim back statutory sick pay for terminally ill workers. Union representatives also hoped that this move would incentivise employers to be more responsible to terminally ill workers. James Barron, the Midlands Trades Union Congress regional secretary, said the union was determined to continue the fight for Woodhock, even in the last stages of her illness. (4) "We will continue to secure a change in legislation until people stop facing the battles and indignities experienced by Jacci," he said.

Another campaigner, Susan Willmott, a Member of European Parliament for the East Midlands, said the onus was on employers to be accommodating. (5) "What sort of society do we live in when workers or staff are treated in such an unjust manner?" she said. "Not everyone who has a terminal illness will want to give up his or her job. Some are unable to do so due to financial circumstances. There are still bills to pay and, for some, extra mouths to feed."

*Adapted from* Elgot, J. (2016). *Terminally ill campaigner fighting for right to work.* Retrieved from http://www.theguardian.com/law/2016/mar/18/terminally-ill-campaigner-fighting-for-right-to-work

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## SECTION C: WRITING [25 MARKS]

*Answer the question below. Write an essay of 350-400 words.*

### Question

Each year, a number of illegal immigrants enter Malaysia to look for a better future for their families, particularly their children.

Do you think the children of illegal immigrants should be given a free education in our country? Give reasons to support your view.

**End of Paper**